

## **§ 551.35**

### **§ 551.35 Subscription of communications.**

Each communication shall be signed in ink and shall disclose the full legal name and the address of the person signing it and, if he is an agent, of his principal.

### **§ 551.37 Language of communications.**

Communications and attachments thereto shall be in English. Any matter written in a foreign language will be considered only if accompanied by a translation into English. A translation shall bear a certificate by the translator certifying that he is qualified to make the translation; that the translation is complete except as otherwise clearly indicated; and that it is accurate to the best of the translator's knowledge and belief. The translator shall sign the certificate in ink and state his full legal name, occupation, and address.

## **Subpart D—Service of Process on Foreign Manufacturers and Importers**

SOURCE: 70 FR 45567, Aug. 8, 2005, unless otherwise noted.

AUTHORITY: 49 U.S.C. 30164.

### **DESIGNATION OF AN AGENT FOR SERVICE OF PROCESS**

### **§ 551.45 What is the purpose of this subpart?**

The purpose of this subpart is to establish a procedure for foreign manufacturers, assemblers and importers of motor vehicles and motor vehicle equipment to designate an agent in the United States on whom service of administrative or judicial notices or processes may be made.

### **§ 551.46 Who must comply with this subpart and when?**

(a) All foreign manufacturers, assemblers, and importers of motor vehicles or motor vehicle equipment (hereinafter referred to as "foreign manufacturers") must comply with this subpart before offering a motor vehicle or item of motor vehicle equipment for importation into the United States.

## **49 CFR Ch. V (10–1–08 Edition)**

(b) Unless and until a foreign manufacturer appoints an agent in accordance with the requirements of this subpart, it may not import motor vehicles or motor vehicle equipment into the United States.

### **§ 551.47 Who may serve as an agent for a foreign manufacturer?**

Only an individual, a domestic firm or a domestic corporation that is a permanent resident of the United States may serve as an agent under this subpart.

### **§ 551.48 May an official of a foreign manufacturer serve as its agent?**

(a) Generally no; an agent must be a permanent resident of the United States. Typically officials of foreign manufacturers and importers are not United States residents.

(b) Occasionally an official of a foreign manufacturer also serves as an official of a domestic firm or corporation or is a permanent resident of the United States. In such cases, the official may serve as agent and sign the designation documents both on behalf of the foreign manufacturer and as agent. However, the foreign manufacturer must submit to NHTSA, along with the designation documents, a letter explaining that the individual signing the designation is both an official of the foreign manufacturer with authority to appoint an agent and a permanent resident of the United States or official of a domestic firm or corporation. If NHTSA does not receive an explanatory letter at the same time it receives the designation, the agency will deem the designation insufficient under this subpart and reject the submission.

### **§ 551.49 May a foreign manufacturer replace its agent?**

(a) Yes, a foreign manufacturer may replace its agent in the same way it originally designated the agent. It must submit designation documents that meet the form and content requirements identified in the following section of this subpart. Until NHTSA receives designation documents meeting those requirements or a letter withdrawing an existing designation, the individual or domestic corporation